

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA**

CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA,
Plaintiff(s)

vs.

STEPHEN ALBERT,
Defendant(s)

HEARING MINUTES Sealed: No

Case No.: 1:21-cr-62-CJW-MAR

Presiding Judge: C.J. Williams

Deputy Clerk: Paul Coberly

Official Court Record: Patrice Murray Contract? No

Contact Information: PAMurrayReporting@gmail.com

Date:	11/4/2022	Start:	8:56 AM	Adjourn:	10:21 AM	Courtroom:	3			
Recesses:	--					Time in Chambers:	--		Telephonic?	No
Appearances:	Plaintiff(s):	AUSAs Lisa C. Williams and Emily K. Nydle								
	Defendant(s):	AFPD Jill M. Johnston (Defendant appears personally)								
	U.S. Probation:	Zach Ward								
	Interpreter:	--			Language:	--	Certified:	--	Phone:	--
TYPE OF PROCEEDING:		SENTENCING	Contested?	Yes	Continued from a previous date?			No		
	Objections to PSIR:	<p>By Plaintiff: ¶21 Victim impact ¶78 Conditions of supervision</p> <p>By Defendant: ¶5-14, 19 & 20 Offense conduct ¶25-27, 30 & 32 Enhancements ¶37 Prior convictions ¶44 & 45 Other arrests</p>					Ruling:	<p>¶5-14, 19 & 20 Overruled</p> <p>¶21 Overruled</p> <p>¶25-27, 30 & 32 Overruled</p> <p>Others not reached</p>		
	Motions to vary/depart:	Motion for Downward Variance by Defendant (doc. 81)					Ruling:	Denied		
	Count(s) dismissed:	--								
	Sentence (See J & C):	<p>Count 1: 452 months Count 2: 180 months</p> <p>Terms of imprisonment to be served concurrently.</p> <p>Sentence has been adjusted and reduced by 539 days to account for time served for the case set for in ¶38 of the PSIR. Sentence for the instant offense to be served concurrently with the remainder of this undischarged term of imprisonment.</p>								
		Fine:	--			Special assessment:	\$200.00			
		Supervised Release:	<p>Count 1: 10 years Count 2: 10 years</p> <p>Terms of supervised release to be served concurrently.</p>							
		Court's recommendations (if any):	<p>Designation to a BOP facility in close proximity to Defendant's family which is commensurate with his security and custody classification needs.</p> <p>Participate in the BOP's 500-Hour Comprehensive Residential Drug Abuse Treatment Program or an alternate substance abuse treatment program.</p> <p>Participate in the BOP's Sex Offender Management Program.</p>							
Defendant is	X	Detained		Released	and shall report		--			
Witness/Exhibit List is		attached								

The offering party must, within 3 days after the hearing, file in electronic form any exhibit that was not filed with a motion, resistance, or other filing related to this hearing. Pub. Admin. Order 09-AO-03-P (05/29/09, ¶7.

Miscellaneous:

Total offense level: 43. Criminal history category: I. Guideline range: Life.

Court hears argument regarding disputed guideline issues.

Ms. Williams calls A.A. Direct (9:40-9:45 AM). No cross. A.A. excused.

Court hears victim impact statement.

Court hears argument regarding the motion for downward variance and disposition.

Defendant provides an allocution.

Court advises the Defendant of his right to appeal.

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UNITED STATES OF AMERICA, <div style="text-align: right;">Plaintiff(s),</div> <div style="text-align: center;">vs.</div> STEPHEN ALBERT, <div style="text-align: right;">Defendant(s).</div>	<div style="text-align: center;">WITNESS & EXHIBIT LIST</div> Case No. 1:21-cr-62-CJW-MAR Presiding Judge C.J. Williams Deputy Clerk Paul Coberly Court Reporter Patrice Murray Plaintiff's Attorney AUSAs Lisa C. Williams and Emily K. Nydle Defendant's Attorney AFPD Jill M. Johnston
Hearing Date 11/4/2022	

#	PLAINTIFF Witnesses	Date/Time Sworn		Date/Time Excused	
1	A.A.	11/4/2022	9:40 AM	11/4/2022	9:45 AM

#	DEFENSE Witnesses	Date/Time Sworn		Date/Time Excused	
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*Exhibit Receipted to Task Force Officer

**A=Admitted; APT=Admitted at Pre-Trial; RSO=Received Subject to Objection; OS=Objection Sustained

Marked	COURT Exhibits, Description	Date Offered	**Admitted?
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Marked	PLAINTIFF Exhibits, Description	Date Offered	**Admitted?
1	Recording of phone call (placed on Clerk's Storage Drive)	11/4/2022	A
2	Recording of phone call (placed on Clerk's Storage Drive)	11/4/2022	A
3	SEALED Proof service (filed at doc. 83)	11/4/2022	A
4	SEALED Transcript (filed at doc. 83)	11/4/2022	A

Marked	DEFENSE Exhibits, Description	Date Offered	**Admitted?
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